

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

FEB 18 2016

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

IN THE MATTER OF AN APPLICATION)
OF THE UNITED STATES OF AMERICA)
FOR A WARRANT AUTHORIZING THE)
INSTALLATION, ACTIVATION AND)
MONITORING OF A GLOBAL)
POSITIONING SYSTEM ELECTRONIC)
TRACKING DEVICE (GPS DEVICE) TO)
BE LOCATED IN OR ON THE WHITE 2014)
CHRYSLER 300 WITH VEHICLE)
IDENTIFICATION NUMBER)
2C3CCAAG7EH275829, BEARING STATE)
OF MISSOURI LICENSE PLATE YJ6V8X..)

No. 4:16 MJ 52 (DDN)

FILED UNDER SEAL

AFFIDAVIT

I, Brandon McKinnon, being duly sworn, depose and state that he is a Task Force Officer (TFO) with the Drug Enforcement Administration, duly appointed according to law and acting as such.

Upon information and belief, a **white 2014 Chrysler 300 with Vehicle Identification Number 2C3CCAAG7EH275829, bearing State of Missouri license plate YJ6V8X** (hereinafter the "subject vehicle"), which is being utilized by Michael LEWIS a/k/a "Smoke, LP, LB," Kieran BURNEY a/k/a "Dreads," "Sweetpea," Damian LEWIS a/k/a "Domo," is presently being used in a conspiracy to distribute and possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Sections 846 and 841(a) (1).

Your affiant further states that there is probable cause to believe that the installation of an electronic tracking device known as a Global Positioning System device (GPS device) placed in or on the trailer of the **subject vehicle** and monitoring of the GPS device, will lead to evidence of the aforementioned conspiracy as well as to the identification of individuals who are engaged in the commission of that and related crimes.

The source of your affiant's information and the grounds for his belief are as follows and are based on your affiant's personal knowledge as well as information provided to your affiant by other agents and task force officers assigned to the investigation.

Investigation and Probable Cause

In October of 2015, DEA St. Louis, Missouri, Group 37 initiated an investigation into a St. Louis area drug trafficking organization (DTO) known as the Downtown Taliban (DTT), which is distributing large quantities of heroin. During the course of the investigation, it has been established that Michael LEWIS a/k/a "Smoke, LP, LB," Kieran BURNEY a/k/a "Dreads", "Sweetpea," Damian LEWIS a/k/a "Domo" are all believed to be leaders within the DTO. BURNEY, Michael LEWIS and Damian LEWIS have utilized the subject vehicle for the past several months to distribute heroin around the St. Louis metropolitan area.

Furthermore, investigators developed two separate Confidential Sources (hereinafter CS#1 and CS#2). CS#1 was utilized to purchase heroin from CS#1. CS#2 advised investigators that he/she had made numerous purchases of heroin from M. LEWIS and K. BURNEY while they operated the subject vehicle. CS#2 further advised investigators that other members of the DTT have routinely used the subject vehicle to conduct heroin transactions.

On January 20, 2016, investigators utilized CS#2 to purchase heroin from BURNEY and an unknown black male subject for \$200.00. The CS#2 called 618-558-9543 to arrange the transaction. CS#2 was directed to meet at the intersection of Grand and Lindell Blvd by the person that answered the phone. Investigators maintained visual surveillance of the vehicle operated by CS#2. CS#2 was called by someone utilizing 618-558-9543 and told to travel to a new location near Highway 64/40 and Grand. The person on the phone told CS#2 that he was in close proximity of CS#2, at the intersection of Grand and Lindell Blvd. TFO Ashton and I

observed BURNEY driving the subject vehicle, traveling southbound on Grand Boulevard near Lindell Avenue near the time of the call to CS#2. The person on the phone instructed CS#2 to follow the subject vehicle to make the drug transaction.

CS#2 followed the subject vehicle into the parking lot of Captain D's fast food restaurant, located at 920 S. Grand Boulevard, St. Louis, Missouri. Investigators observed BURNEY meet with several white males in the parking lot and appeared to conduct hand to hand drug transactions. The subject vehicle exited the parking lot traveling southbound on Grand. CS#2 continued to follow BURNEY to the intersection of Vista Avenue and Caroline Street, where BURNEY and CS#2 parked. CS#2 exited his/her vehicle, walked to the passenger side of the subject vehicle and purchased \$200.00 of suspected heroin. CS#2, who was equipped during the transaction with an audio recording device, later advised that BURNEY was driving the vehicle, provided the heroin, and was carrying a semi-automatic pistol with an extended magazine for excess ammunition. CS#2 further stated he/she did not recognize the passenger of the vehicle, only that he was a young black male with short cropped hair.

Investigators attempted to conduct moving surveillance of BURNEY in the subject vehicle, but were ineffective, as BURNEY conducted evasive maneuvers, running red lights and traveling at a high rate of speed as it left the area of Vista Avenue and Caroline Street following the drug transaction. Later that day, investigators reacquired the subject vehicle as it entered the parking lot of the Probation and Parole Office located at 220 S. Jefferson Avenue, St. Louis, Missouri 63103. Investigators later identified the subject who entered the Probation and Parole Office following the drug transaction on January 20, 2016, as Damian LEWIS.

It should be noted that the area to which BURNEY directed CS#2 for the heroin transaction was the same area that Michael LEWIS sold approximately \$250.00 USC worth of heroin to CS#1 on October 20, 2015. During the course of that surveillance, investigators observed another subject also purchase heroin from Michael LEWIS. Investigators then surveyed the subject after the transaction and later arrested him. The subject informed investigators that he had purchased small amounts of heroin from Michael LEWIS.

On February 1, 2016, based on information from CS#2 and electronic surveillance of cellular telephone number 618-558-9543, investigators established physical surveillance in the area of 1018 Provence Drive, St. Louis, Missouri. At approximately 8:45 am, investigators arrived at 1018 Provence Drive and immediately located the subject vehicle. The subject vehicle was positioned on the parking lot directly across from the apartment building at 1018 Provence Drive. That morning, investigators observed a subject, who appeared to be BURNEY, exit the apartment building carrying a toddler-aged child along with a gray colored duffle bag strapped across his shoulder. BURNEY placed the toddler and gray duffle bag into the driver side back seat of the subject vehicle. Burney subsequently departed the area. Investigators surveyed the subject vehicle as it traveled at a high rate of speed onto northbound Interstate 55 until it exited the interstate at 4500 Broadway. Shortly thereafter, investigators terminated surveillance of the subject vehicle.

On February 3, 2016, TFO Jeffrey Ashton, TFO James Gaddy, and I met with CS#2. The purpose for the meeting was to arrange for a purchase of heroin from BURNEY. Investigators directed CS#2 to place a recorded telephone call to BURNEY at 618-558-9543 to obtain the location for the heroin purchase. BURNEY stated during the phone call, "I'm at 44 and Grand" (Interstate 44 and Grand Boulevard, St. Louis, Missouri).

TFO James Gaddy accompanied CS#2 in an undercover capacity during the transaction and was equipped with an audio recording device. SA Cossou and TFO Ashton surveyed TFO Gaddy and CS#2 to the aforementioned meet location specified by BURNEY. Shortly thereafter, BURNEY redirected CS#2 via 618-558-9543 to LaSalle Street, between Ohio Avenue and California Avenue. TFO Gaddy and CS#2 remained in the undercover vehicle on LaSalle Street for approximately eight minutes until BURNEY arrived driving a black Charger. BURNEY then positioned his vehicle behind the undercover vehicle, flashed the vehicles' headlights and honked the horn, which was the indication for TFO Gaddy and CS#2 to follow him (BURNEY). Investigators maintained physical surveillance of the vehicles toward the intersection of California Avenue and Hickory Street. BURNEY aligned his vehicle next to the undercover vehicle in the opposite direction to allow TFO Gaddy to complete the hand to hand transaction of heroin. TFO Gaddy provided BURNEY with his black stocking cap in which BURNEY placed the heroin into the cap and returned it back to TFO Gaddy. TFO Gaddy then provided BURNEY \$200.00 for the purchase of the heroin and departed the area with CS#2.

The remaining investigators followed BURNEY directly to the Probation and Parole Office located at 220 S. Jefferson Avenue, St. Louis, Missouri where a black male subject exited the passenger side front door and entered the building. Investigators later identified the male subject as Damian LEWIS. BURNEY then immediately returned to the area where the drug transaction had occurred. Investigators observed BURNEY conduct additional hand to hand drug transactions with heroin customers there upon his return.

Later that same day, investigators located the black Dodge Charger at the intersection of California Avenue and Hickory Street. SA Michael Cossou and TFO Jeffrey K. Ashton attempted to follow the black Charger, however, the driver of the vehicle traveled at a high rate of

speed throughout the neighboring streets and investigators lost sight of the vehicle. SA Cossou and TFO Ashton were able to later locate the black Charger near the intersection of South Ewing Avenue and Hickory Street. SA Cossou and TFO Ashton identified the driver of the black Charger as BURNEY. BURNEY parked directly next to a white Chevrolet Impala. SA Cossou and TFO Ashton observed BURNEY extend his hand out of the vehicle and appeared to make a hand to hand drug transaction with a white female who was operating the white Chevrolet Impala. Subsequent to the hand to hand drug transaction, the white Chevrolet Impala departed the area.

A traffic stop of the Impala was subsequently conducted by SA Nathan Hart. SA Hart approached the vehicle and contacted the female subject inside (hereafter referred to as SOI). The SOI admitted to the heroin transaction and the heroin was recovered by investigators. The SOI was arrested at the scene of the traffic stop.

The SOI agreed to be interviewed by investigators and provided information regarding BURNEY. She told investigators she traveled to the St. Louis, Missouri area from Shiloh, Illinois to purchase heroin from a black male known to her as "Smoke." The SOI stated on February 3, 2016 she contacted "Smoke" via cellular telephone. "Smoke" instructed her to travel to the area of California Avenue and Park Avenue. The SOI re-contacted "Smoke" who instructed her to the area of S. Ewing Avenue and Hickory Street. The SOI stated she arrived in the area and observed a black Dodge Charger driven by a black male with long dreadlock style braids. The SOI told investigators she provided the black male with \$125.00 in United States currency and received approximately twenty-five capsules containing heroin.

When shown photographs, the SOI positively identified Kieran BURNEY as the black male who was operating the black Dodge Charger. She also identified him as the individual who sold her \$125.00 of heroin. The SOI further identified "Smoke" as M. LEWIS, but stated he was

not inside the vehicle at the time of the purchase. The SOI advised investigators she regularly purchases heroin from several different black males, including M. LEWIS and BURNEY at least twice a week.

The SOI advised that upon calling the previously mentioned phone number, she would typically be directed to an area near Grand Boulevard and Interstate 44. The SOI said she would purchase heroin from whoever responded to that specific location. The SOI added she has observed both BURNEY and M. LEWIS operate the black Dodge Charger along with the subject vehicle, but never knew what vehicle members of the drug trafficking organization would be operating.

Upon information and belief, Michael LEWIS, Kieran BURNEY and Damian LEWIS are presently utilizing the subject vehicle to commit acts in violation of Title 21, United States Code, Sections 841 and 846. I suggest there is probable cause to believe that the service of an electronic tracking device known as a Global Positioning System device (GPS device) placed in or on the subject vehicle and monitoring of the GPS device, will lead to evidence of the aforementioned violations, as well as to the identification of individuals who are engaged in the commission of that and related crimes.

I am requesting that he be allowed to place a GPS device on the white 2014 Chrysler 300 with Vehicle Identification Number 2C3CCAAG7EH275829, bearing State of Missouri license plate YJ6V8X located at 1018 Provence Drive, St. Louis, Missouri and that the investigative team be allowed to monitor, maintain, service, repair and ultimately remove the GPS device. The GPS device will only be monitored within the allowed time period.

My team and I believe the GPS information is vital to the investigation to obtain evidence for prosecution. My team and I also believe that the use of a GPS device on the white 2014

Chrysler 300 with Vehicle Identification Number 2C3CCAAG7EH275829, bearing State of State of Missouri license plate YJ6V8X, complimented with surveillance efforts, will reveal the underlying criminal activity as well as the identities of additional individuals who may be involved in criminal activity with LEWIS and BURNEY. However, surveillance without the GPS information on the subject vehicle will prove difficult and raise the risk of compromising the investigation and jeopardize the safety of the agents involved. Your affiant believes that the requested authorization would be a valuable asset in achieving the overall goals of the investigation.

In light of the ongoing nature of the investigation and this affidavit, I request that this affidavit be sealed.

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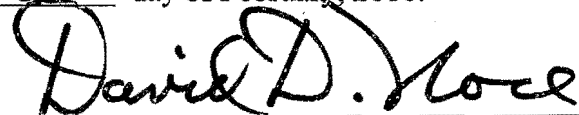
WHEREFORE, your affiant respectfully requests that the Court issue an order authorizing law enforcement officials, agents/officers with the DEA and other law enforcement agents and technicians acting under the supervision of federal agents, or their authorized representatives, to install and monitor, maintain, service, repair and ultimately remove a GPS device in or on the trailer portion of the subject vehicle for a period of forty-five (45) days following the issuance of the Court's order, including signals produced from inside private garages and other locations not open to the public or visual surveillance, and signals produced in the event that the trailer portion of the subject vehicle travels outside the Eastern District of Missouri but remains within the United States, and that the notice requirements of Rule 41(d) be delayed until further notice of this Court so as not to jeopardize the ongoing investigation.



BRANDON McKINNON
Task Force Officer
Drug Enforcement Administration

Dated this 18th day of February, 2016.

Sworn to and subscribed before me this 18th day of February, 2016.



DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE
Eastern District of Missouri